



CIVIL LAW TIDBITS

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One Topic

A Monthly Info Sheet

374 AW/JAC

APRIL 1997

Civil Law What do we do?

JOB #1: Administrative Discharges

Other Responsibilities:

Barments/Warning Letters
Suspension/Revocation of AAFES or
Commissary Privileges
Front Desk Duties - Powers of
Attorney and
Legal Assistance
Preventive Law
Labor Law
Legal Reviews of:
FOIA/Privacy Act requests
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Demotions
Security Incidents/Violations
Commercial Sponsorships
Suspensions/Revocations of
Driving Privileges
Line of Duty Determinations
Private Organization Activities
"Cats & Dogs" (Is it legal?)

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MARRIAGE IN OVERSEAS COMMANDS

Last month's Civil Tidbits focused on Americans marrying Foreign Nationals. This issue addresses other topics about marriage in overseas commands.

PART I. MARRIAGE BETWEEN TWO U.S. CITIZENS

1. SrA Smith wants to marry A1C Jones. Is a pre-marital investigation required?

No. A pre-marital investigation is required **only when** the prospective spouse is a foreign national.

2. Must SrA Smith and A1C Jones receive permission from their respective commanders to marry?

Yes. All Armed Forces personnel stationed in a foreign country must receive written authorization from their commander prior to marrying.

3. What office has information about marriage between U.S. citizens?

MPF, Customer Service (Building 316, Room 121). SrA Smith and A1C Jones should pick up a handout entitled "Application for Marriage Checklist (Marriage Between Two U. S. Citizens)." SrA Smith and A1C Jones must make an appointment with Ms. Junko Ishida, Personal Affairs, 225-7330. She will explain the process to the applicants.

*4. What documents are required **BEFORE** SrA Smith and A1C Jones can receive permission to marry from their commanders?*

A) Proof of U.S. citizenship

- 1) birth certificate (must be certified "seal"),
- 2) or U.S. passport,
- 3) or certificate of naturalization

B) Divorce Decree, if applicable (if SrA Smith was previously married, he **must** visit the legal office. An attorney will review the divorce decree and determine if SrA Smith is legally free to marry. The legal office will then prepare a letter, stating that SrA Smith was previously married, has a valid divorce decree and is legally free to marry.)

C) Medical Statement: (valid for 120 days)
A physical examination is mandatory for both parties. Physical Exams (225-3541) has a walk-in service available on Mon & Wed from 1300 to 1430. SrA Smith and A1C Jones must bring their medical immunization records (shot records). They will receive a "Pre-Marital Screening Questionnaire" at Physical Exams which they must complete. They will be tested for HIV, TB and syphilis. Once the test results are available and questionnaires are completed, SrA Smith and A1C Jones will see a flight surgeon. He/she will review the medical records, tests results & questionnaires. The flight surgeon

Con't from Front

will counsel the couple. If no dangerous, contagious diseases exist, the flight surgeon will medically clear SrA Smith & A1C Jones for marriage (documented on SF 600).

Reminder: Once SrA Smith & A1C Jones obtain the necessary documents, they must schedule a follow-up appointment with Ms. Ishida.

5. What occurs at the second appointment?

Ms. Ishida gives the couple two documents:

A) "Marriage Between U.S. Citizens or Permanent Resident Aliens" Letter (must be endorsed by the squadron commander.)

B) "Affidavit of Competency to Marry" (This document must be typewritten and notarized by the legal office. The legal office requires proof of U.S. citizenship and "Permission to Marry" letter signed by the couple's squadron commanders **in order to** notarize the affidavit.)

Registration of marriage must be completed at a local Japanese City Office. The Smiths must provide the following documents:

- A) "Affidavit of Competency to Marry"
- B) Japanese translation of affidavit
- C) Kon-in Todoke (marriage registration form) and
- D) birth certificate & translation, or passport, or naturalization certificate & translation.

(For additional details, see *Application for Marriage Checklist*)

PART II. MARRIAGE APPLICATION STARTED, BUT NOT COMPLETED IN THE OVERSEAS COMMAND

Amn Williams is engaged to a Japanese National, Miss Yushida. He and his fiancée have had a medical examination and received a legal briefing. Amn Williams has received orders for his next duty assignment, Minot AFB, ND. The pre-marital investigation is still pending. He has not received his commander's approval to marry. His port call date is in 25 days.

1. Should Amn Williams' commander extend Amn Williams' tour in order to complete the marriage application?

No. An application for authorization to marry **is not** grounds for retention in the overseas command beyond the date Amn Williams is eligible to return from overseas (DEROS) **nor** is it grounds for retention in the service beyond expiration of term of service (ETS).

2. What should Amn Williams do?

Amn Williams must submit a written request to his commander to continue processing the marriage application. Amn Williams must also state his intention to return to the overseas command in a **leave status** for the purpose of marriage if the application is approved. Normally, requests for permission to visit an overseas command in an ordinary leave status for the purpose of marriage **will not be granted until the member's application for authorization to marry has been approved.**

In addition, Amn Williams will be counseled on the procedures for applying for fiancée visa.

PART III - MILITARY MEMBER WANTS TO MARRY FOREIGN NATIONAL SPOUSE IN THE UNITED STATES

SSgt Hope will PCS from Yokota in approximately 50 days. She is engaged to Mr Toyota. They want to get married in the United States.

1. Can Mr Toyota enter the United States to get married?

Yes. Mr Toyota can be granted nonimmigrant status as a foreign national fiancé **solely** to conclude a valid marriage with a U.S. citizen within 90 days after entry into the United States.

2. What must SSgt Hope do?

SSgt Hope must file a petition (Form I-129F) on behalf of Mr Toyota. She must demonstrate that she and Mr Toyota have a bona fide intent to marry and are legally able and actually willing to conclude a valid marriage in the United States within 90 days after Mr Toyota's arrival in the United States.

3. Where does SSgt Hope file Form I-129F, Petition to Classify Status of Alien Fiancé or Fiancée for Issuance of Nonimmigrant Visa?

SSgt Hope must file Form I-129F with the INS (Immigration and Naturalization Service) in the United States, **not** the U.S. Embassy, Tokyo.

4. What happens if, after receiving a fiancé visa, Mr Toyota and SSgt Hope fail to marry within 90 days after arriving in the United States?

Mr Toyota will be required to depart the United States, and if he fails to do so, he will be deported.

5. Is a pre-marital investigation required?

No. Since the marriage will not be performed in the overseas command, SSgt Hope's commander need not be concerned with the issue of Mr Toyota's admissibility to the United States.

6. Must SSgt Hope submit an application for authorization to marry to her commander?

No. Same reason as above.

SOURCES: AFR 211-18 and PACAFI 36-3101. AFI 36-3110, Marriage in Overseas Command, will eventually replace AFR 211-18. As of this publication, this AFI has not released.

Additional Tip: When a military member occupies a sensitive position requiring access to classified defense information or cryptographic matter, marriage to a foreign national can adversely affect the member's career. The commander and/or Security Manager should closely examine this potential consequence. Member should be aware about the possible reclassification action could occur and the impact of this reclassification on his/her career aspirations.